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10/688,558	10/16/2003	Hideaki Funakoshi	04995/121001	1170
Jonathan P. Osha ROSENTHAL & OSHA L.L.P. Suite 2800 1221McKinney St. Houston, TX 77010				
EXAMINER				
VENT, JAMIE J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/688,558

**Applicant(s)**

FUNAKOSHI ET AL.

**Examiner**

JAMIE Jo VENT

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 12, 2007 and March 21, 2007, the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. Applicant's arguments filed December 14, 2007 have been fully considered but they are not persuasive. On pages 3-4 applicant argues that Honjo (US 5,787,225) in view of Nakajo (US 6,925,042) in further view of Proidl (US 6,961,510) in further view of Oguro (US 5,784,518) fails to disclose, suggest, or teach the following limitation, "control unit configured to control expansion unit, when the high speed reproduction key is operated to reproduce the compressed video and audio data for a number of frames corresponding to the n-fold speed, alternating with reproducing the compressed video and audio data in one of a normal speed and a two fold speed for a predetermined number of frames" as recited in Claim 1. Honjo discloses in Column 6 Lines 10-35 the ability for the reproduction speeds to be normal, 2 fold or 3 fold speed. As the signals by the user are processed by the system the system provides normal to high speed reproduction of the A/V signal. Therefore, the A/V signals are alternating between normal speeds to fast reproduction as the user determines various speeds of reproduction of the A/V signal. The "alternating the compressed A/V with normal speed signals" by the user as described in applicant specification paragraphs 0028-0030

Art Unit: 2623

further supports the use of Honjo as it alternates normal and fast speed through user control. Furthermore, applicant argues that Oguro fails to disclose alternating of normal and two-fold speeds. It is noted in Column 7 Lines 17-58 and Column 6 Lines 5-12 the alternating of speeds are discussed as 50 fold high speed reproduction is changed to 100 fold high speed reproduction and further described as modes for alternating signals.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all systems incorporate are reproduction devices containing various features for reproducing the A/V data. Each system provides information and alternate methods of controlling and enabling high speed reproduction to provide the system with effective system for the A/V data. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable by Honjo (US 5,787,225) in view of Nakajo (US 6,925,042) in further view of Proidl (US 6,961,510) in further view of Oguro (US 5,784,518).

**[claim 1]**

In regard to Claim 1, Honjo discloses a reproducing apparatus for reproducing video information, the apparatus comprising:

- a readout unit configured to read out from a recording medium compressed video and audio data compliant with MPEG format having a structure of sequential video information blocks in a predetermined number of frames (Column 3 Lines 45-60 discloses the readout unit wherein the recording medium compressed video and audio data as further seen Figure 2);
- separation unit configured separate the video data and the audio data from the compressed video and audio data read out by the readout unit;
- an expansion unit configured to respectively expand the video data and the audio data separated by the separation unit (Figure 2 shows the separation of the video and audio so the streams can go to the video decoder circuit 6 and the audio decoder circuit 7 for processing);
- a video output unit configured output the video data expanded by the expansion unit (Figure 3 shows the video decoder circuit wherein the video is prepared for output through output terminal 11);

- a audio output unit configured data expanded by the expansion output the audio an operation unit including a high speed reproduction key (Figure 4 shows the audio decoder wherein the operation unit decides the reproduction speed of the video and audio data as further described in Column 6 Lines 15-35); and
- a control unit configured to control, a case where the high speed reproduction key is operated, the expansion unit order to perform reproduction of the compressed video and audio data by one frame every several frames corresponding to the n-fold speed and to perform reproduction normal speed or number of frames, alternately (Column 6 Lines 10-35 describes the control unit wherein the reproduction speeds of the video and audio data); however fails to disclose high speed reproduction key for reproducing the compressed video and audio data in n-fold (where  $n > 3$ ) speed and alternating between various speeds of reproduction..

Nakajo discloses a recording system wherein the reproduction occurs "not less than an eight-fold speed, for example an eight-fold speed, a ten-fold speed and more" as described in Column 2 Lines 55+. The high speed reproduction provides a more efficient and faster reproduction system wherein data transfer can efficiently be processed. Furthermore, Proidl teaches the high speed reproduction that is not based on image coding as described in Column 4 Lines 54+. The varying high speed reproductions allow for the system to achieve various modes for reproducing and recording the data. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the reproduction system as disclosed by Honjo and

further incorporate reproduction of a system containing high speed reproduction for compressed data, as taught by Nakajo in view of Proidl, to further provide efficient high speed reproduction of data.

Honjo in view of Nakajo, fails to disclose alternating between various speeds of reproduction. It is taught by Oguro to provide a control unit for high speed reproduction that provides compressed video and audio data for the number of frames corresponding to n-speed as described in Column 2 Lines 17-27 and Column 4 Lines 32+ and seen in Figures 1a and 1b. The system provides high speed reproduction at n-speed through providing a predetermined number of frames to be displayed and thereby achieving the desired reproduction speed. Furthermore, the speeds are alternating of various speed reproductions as described in Column 7 Lines 17-58 and Column 8 Lines 5-13 describes the varying modes of reproduction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus, as disclosed by Honjo, and further incorporate a system that provides an eight-fold speed reproduction for efficient data transferring, as recited by Nakajo, and further provide a system that provides alternating high speed reproduction at n-speeds based on frame compression, as disclosed by Oguro, in order to provide the stated advantages of efficient reproduction of the A/V signal.

**[claim 2]**

In regard to Claim 2, Honjo discloses a reproducing apparatus further comprising a setting unit configured to variably set the number of frames to perform the reproduction two-fold speed a predetermined normal speed or in the two-fold speed in the high speed

Art Unit: 2623

reproduction (Figure 2 shows the high speed reproduction control circuit 8 shows the setting unit and further described in Column 5 Lines 18-67 describes the reproducing apparatus wherein the unit is sets the number of frames to perform the reproduction in various speeds).

**[claim 3]**

In regard to Claim 3, Honjo discloses a reproducing apparatus wherein the setting unit comprises a setting key arranged in the operation unit (Figure 2 high speed reproduction control circuit shows the input 13 which is used a setting key in the system).

**[claim 4]**

In regard to Claim 4, Honjo discloses a reproducing apparatus comprising a selection unit configured to alternatively select selection unit configured to reproduce in normal speed two-fold speed for the predetermined number of frames in the high speed reproduction (Column 6 Lines 12-35 describes the selection unit wherein reproduction can be done in various speeds).

**[claim 5]**

In regard to Claim 5, the claim limitations have been discussed in Claim 3.

**[claim 6]**

In regard to Claim 6, the claim limitations have been discussed in Claim 1.

**[claim 7]**

In regard to Claim 7, the claim limitations have been discussed in Claim 2.

**[claim 8]**



In regard to Claim 8, the claim limitations have been discussed in Claim 2.

**[claim 9]**

In regard to Claim 9, the claim limitations have been discussed in Claim 1.

**[claim 10]**

In regard to Claim 10, the claim limitations have been discussed in Claim 2.

**[claim 11]**

In regard to Claim 11, Honjo discloses a reproducing apparatus as claimed in claim 3, wherein the predetermined number of frames is set by operating the setting key (Figure 2 describes a reproducing apparatus with input from user).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/

Supervisory Patent Examiner, Art  
Unit 2623

JJV

